

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY ARRIAGA,
Plaintiff,

v.

ANTHONY ANNUCCI, Acting Commissioner
for the New York State Department of
Corrections and Community Supervision;
MICHAEL CAPRA, Superintendent of Sing
Sing C.F., Official and Individual Capacity;
QUANDERA T. QUICK, Inmate Grievance
Program Supervisor, Official and Individual
Capacity; ELAINE VELEZ; and JOHN/JANE
DOES 1-3, in their official and individual
capacities,
Defendants.

ORDER

23 CV 1941 (VB)

Copies Mailed/Faxed 7-7-23
Chambers of Vincent L. Briccetti *dt*

On July 7, 2023, the Attorney General filed a letter identifying the John and Jane Doe defendants sued in the amended complaint. (Doc. #22). Specifically, the Attorney General states it appears plaintiff intends to proceed against Deputy Superintendent of Security Bennie T. Thorpe, and provides an address where Thorpe may be served. The Attorney General notes the remaining John and Jane Doe defendants are already named in the amended complaint, and that the July 7 letter was served on plaintiff via first class mail.

Accordingly, plaintiff must file a second amended complaint naming the unnamed John Doe defendant by August 7, 2023. The second amended complaint will replace, not supplement, the amended complaint.

In addition, the Court is in receipt of plaintiff's timely request to extend his time to serve defendant Quandera Quick, dated June 29, 2023, pursuant to Fed. R. Civ. P. 4(m). (Doc. #19). The Court defers ruling on plaintiff's request.

On July 6, 2023, the Attorney General filed a notice of appearance on behalf of defendant Quick. (Docs. ##20, 21). In addition, the Attorney General's July 7 letter is filed on behalf of Quick and the other named defendants in this action. (Doc. #22).

In light of the Attorney General's submissions, the Court understands the Attorney General has accepted service on behalf of defendant Quick electronically through the ECF docket (which would make plaintiff's request for an extension of time to serve Quick moot).¹ However, in the

¹ If so, the Court appreciates the Attorney General's willingness to accept service of process on behalf of Quick.

abundance of caution, the Attorney General is directed to file a letter by July 14, 2023, confirming that it has accepted service on behalf of defendant Quick, at which time the Court will rule on plaintiff's request for an extension.

In the July 14 letter, the Attorney General should also inform the Court whether it will accept service on behalf of Deputy Superintendent of Security Bennie T. Thorpe, electronically through the ECF docket, in the event that plaintiff files a second amended complaint naming Thorpe as a defendant.

The time for all defendants to answer, move, or otherwise respond to the operative complaint remains August 31, 2023.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: July 7, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge